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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 3 January 2006 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Chairperson of the Committee established pursuant to Security Council resolution 1540 (2004) and, in response to the latter's letter dated 7 October 2005, has the honour to provide the attached updated version of the Committee's matrix containing additional information on the implementation of resolution 1540 (2004) by South Africa (see annex).

06-20664 (E) 310106

Annex to the note verbale dated 3 January 2006 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: South Africa

Date of Report: 31 January 2005

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD	X	Section 2. (1). (d) of Act 87 of 1993, provides the general statement on the non-possession of WMD	page 2 of the report, Information in CD Rom
2	General statement on commitment to disarmament and non-proliferation	X	Committed to a policy of non-proliferation, disarmament and arms control which covers all WMD	page 2 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Committed to prohibiting the manufacture, acquisition, transport or use of WMD and their means of delivery including by non-State actors	page 3 of the report
4	Biological Weapons Convention (BWC)	X	Ratified 3 November 1975	page 3 of the report
5	Chemical Weapons Convention (CWC)	X	Ratified 13 September 1995	page 3 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	Acceded 10 July 1991	page 3 of the report
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Ratified 30 March 1999	page 3 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Signed 18 May 1981	http://www.iaea.org/Publications/Documents/Conventions/cppnm.html
9	Hague Code of Conduct (HCOC)	X	Assented on 25 November 2002	page 4 of the report
10	Geneva Protocol of 1925	X	Acceded 24 May 1930	page 3 of the report
11	International Atomic Energy Agency (IAEA)	X	Since 1957	http://www.iaea.org/About/Policy/MemberStates/index.html
12	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Pelindaba ratified 27 March 1998	page 3 of the report

13	Other Conventions/Treaties	X	1. Convention on Nuclear Safety - ratified 24 December 1996 2. Treaty Banning Nuclear Weapon Tests in the Atmosphere, Outer Space and Under Water - acceded 10 October 1963 3. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof - ratified 14 November 1973 4. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency - ratified 10 August 1987 5. Convention on Early Notification of a Nuclear Accident - ratified 10 August 1987	page 3 of the report
14	Other Arrangements	X	1. Zangger Committee 2. MTCR 3. Nuclear Suppliers Group	page 4 of the report
15	Other			

OP 2 - Biological Weapons (BW)

State: South Africa

Date of Report: 31 January 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No 87/1993), Section 13 and 27 2. Government Notice No. 712 of 8 June 2004 3. The Protection of Constitutional Democracy against Terrorists and Related Activities Act, 2004 (Act No. 33 of 2004), also know as POCDATARA	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM
2	acquire	X		X		
3	possess	X		X		
4	stockpile/store	X		X		
5	develop	X		X		
6	transport	X		X		
7	transfer	X		X		
8	use	X	Government Notice No. 712 of 8 June 2004	X	Amendments to Act no. 87/1993 offences related to the use or threat of use	page 6 of the report, information in CD-ROM
9	participate as an accomplice in a.m. activities	X	1. Act 33 of 2004	X	1. Act 33 of 2004, Section 14, read in conjunction with Section 18	page 4 and 5 of the report

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10	assist in a.m. activities			X	1. Act 33 of 2003, Sections 3 and 14, read in conjunction with Section 18	page 4 and 5 of the report
11	finance a.m. activities	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	X	Act No 33 of 2004, Section 4 read in conjunction with Section 18	page 5 of the report
12	a.m. activities related to means of delivery	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993), Section 27 2. Government Notice No. 429 of 10 April 2002	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM
13	involvement of non-State actors in a.m. activities	X	1. Act 87 of 1993 Art 13 (3) provides for controls over all activities of persons with regard to controlled goods including the possession and custody. Persons are defined in Act 33 of 1957, and includes all natural and legal persons (which includes non-state actors). 2. Act 33 of 2004	X	1. Act No. 87/1993, Section 26 - offences and penalties 2. Act 33 of 2004	pages 3 and 5 of the report, information in CD-ROM and Act 33 of 1957 (Attached)
14	Other	X	BWC has been published as part of South African legislation	X	Act No. 87/1993, Section 26 - offences and penalties	page 4 of the report

OP 2 - Chemical Weapons (CW)

State: South Africa

Date of Report: 31 January 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	Act no. 87/1993, Section 13 and 27 and Notice 77 of 29 January 2004, Regulation 705 of 23 May 1997 and Notice 152 of 29 January 2003 Act no 33 of 2004	X	1. Act No. 87/1993, Section 26 - offences and penalties 2. Act no 33 of 2004 (Definition of terrorist activity read with terrorist related activity and Sections 2,3 and 4	South African Legislation incorporates the Chemical Weapons Convention in its entirety. pages 3 and 5 of the report, information in CD-ROM
2	acquire	X		X		
3	possess	X		X		
4	stockpile/store	X		X		
5	develop	X		X		
6	transport	X		X		
7	transfer	X	Act no. 87/1993, Section 13 and 27 and Notice 77 of 29 January 2004, Regulation 705 of 23 May 1997 and Notice 152 of 29 January 2003 Act no 33 of 2004	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM
8	use	X		X	Amendments to Act no. 87/1993- offenses related to the use or threat of use	pages 3, 5 and 6 of the report, information in CD-ROM
9	participate as an accomplice in a.m. activities		Act no 33 of 2004		Act no 33 of 2004, Section 3 read with Sections 14 and 18	pages 4 and 5 of the report
10	assist in a.m. activities					
11	finance a.m. activities	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	page 5 of the report
12	a.m. activities related to means of delivery	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993), Section 27 2. Government Notice No. 429 of 10 April 2002	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM

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13	involvement of non-State actors in a.m. activities	X	1. Act 87 of 1993 Art 13 (3) provides for controls over all activities of persons with regard to controlled goods including the possession and custody. Persons are defined in Act 33 of 1957, and includes all natural and legal persons. 2. Act no 33 of 2004	X	1. Act No. 87/1993, Section 26 - offences and penalties 2. Act no 33 of 2004	pages 3 and 5 of the report, information in CD-ROM and Act 33 of 1957 (Attached)
14	Other	X	CWC has been published as part of South African legislation - see Government Notice 754 of 1997 of 2 May 1997	X	Act No. 87/1993, Section 26 - offences and penalties	page 4 of the report

OP 2 - Nuclear Weapons (NW)

State: **South Africa**

Date of Report: **31 January 2005**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. Act 46 of 1999 (Nuclear Energy Act), NOTICE 740 OF 16APRIL 1994 Act no. 87/1993, Section 13 and 27 and Notice 430 of 10 April 2002 2. The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA) **PLEASE NOTE THIS ACT IS RELEVANT ONLY TO ITEMS 3 TO 6**	X	Act No. 46/1999, Section 56 and Act No. 87/1993, Section 26 - offences and penalties Act No. 33/2004	pages 3 and 5 of the report, information in CD-ROM
2	acquire	X		X		
3	possess	X		X		
4	stockpile/store	X		X		
5	develop	X		X		
6	transport	X		X		
7	transfer	X		X		
8	use	X		X		
9	participate as an accomplice in a.m. activities					
10	assist in a.m. activities					

11	finance a.m. activities	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	page 5 of the report
12	a.m. activities related to means of delivery	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993), Section 27 2. Government Notice No. 429 of 10 April 2002	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM
13	involvement of non-State actors in a.m. activities	X		X	Act No. 87/1993, Section 26 - offences and penalties NSI Act, 2004, Section 2A	pages 3 and 5 of the report, information in CD-ROM and Act 33 of 1957 (Attached)
14	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **South Africa**

Date of Report: **31 January 2005**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Agricultural Pests Act (Act no. 36/1983) 2. Animal Health Act (Act no. 7/2002) 3. Organisms Act (Act no. 15/1997)	X	1. Agricultural Pests Act (Act no. 36/1983) 2. Animal Health Act (Act no. 7/2002) 3. Organisms Act (Act no. 15/1997) 4. Health Act (Act no. 61/2003)	page 7 of the report, information in CD-ROM
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production	X	1. Non-proliferation Act (Act no. 87/1993) 2. Agricultural Pests Act (Act no. 36/1983) 3. Animal Health Act (Act no. 7/2002) 4. Health Act (Act no. 61/2003)	X	1. Non-proliferation Act (Act no. 87/1993) 2. Agricultural Pests Act (Act no. 36/1983) 3. Animal Health Act (Act no. 7/2002) 5. Health Act (Act no. 61/2003)	page 7 of the report, information in CD-ROM
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		

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9	Measures to secure transport	X	Road Transportation Act (Act no. 74 of 1977)	X	Road Transportation Act (Act no. 74 of 1977)	page 6 of the report
10	Other measures for securing			X	Monitoring systems to secure facilities in the event of fire or against theft; security personnel in motor vehicles	page 7 of the report
11	Regulations for physical protection of facilities/materials/ transports	X	National Key Points Act (Act no. 102/1980)			page 7 of the report
12	Licensing/registration of facilities/persons handling biological materials	X	1. Agricultural Pests Act (Act no. 36/1983) 2. Animal Health Act (Act no. 7/2002) 3. Non-Proliferation Act (Act no.87/1993)	X	Act No. 87/1993, Section 26 - offences and penalties	page 7 of the report, information in CD-ROM
13	Reliability check of personnel	X	NSI Act No. 30 of 2004	X	NSI Act No.30 of 2004, Section 2A	
14	Measures to account for/secure/ physically protect means of delivery	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993), Section 27 2. Government Notice No. 429 of 10 April 2002	X	Act No. 87/1993, Section 26 - offences and penalties	SA is a non-possessor of WMD and delivery systems. Pages 3 and 5 of the report, information in CD-ROM
15	Regulations for genetic engineering work	X	Genetically Modified Organisms Act (Act no. 15/1997)	X	Genetically Modified Organisms Act (Act no. 15/1997), Section 2[illegible]	page 7 of the report
16	Other legislation/ regulations related to safety and security of biological materials					
17	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **South Africa**

Date of Report: 31 January 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1.Act no. 87/1993, Section 13, Regulation R 705 of 23 May 1997 2. Hazardous Substances Act (Act no. 15/1973); Occupational Health and Safety Act (Act no. 85/1993)	X	Act No. 87/1993, Section 26 - offences and penalties and the Hazardous Substances Act (Act no. 15/1973), Section 18 and 19	page 7 of the report, information in CD-ROM
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		

4	Measures to account for transport	X	Hazardous Substances Act (Act no. 15/1973)			
5	Other measures for accounting					
6	Measures to secure production	X	1. Act no. 87/1993, Section 13	X	Hazardous Substances Act (Act no. 15/1973), Section 18 and 19	page 7 of the report, information in CD-ROM
7	Measures to secure use	X	2. Hazardous Substances Act (Act no. 15/1973)	X		
8	Measures to secure storage	X	3. Explosives Act (Act no. 26/1956)	X		
9	Measures to secure transport	X	4. Road Transportation Act (Act no. 74 of 1977)	X	4. Road Transportation Act (Act no. 74 of 1977)	page 6 of the report, information in CD-ROM
10	Other measures for securing	X	Act no. 15/1973 - modification, dumping and other disposal	X	Monitoring systems to secure facilities in the event of fire or against theft; security personnel in motor vehicles	page 7 of the report
11	Regulations for physical protection of facilities/materials/ transports	X	Act no. 102/1980			page 7 of the report
12	Licensing of chemical installations/entities/use of materials	X	Act no. 87/1993, Section 13, Regulation R 705 of 23 May 1997	X	Act no. 87/1993, Section 13, Regulation R 705 of 23 May 1997	information on CD-ROM
13	Reliability check of personnel	X	NSI Act No. 30 of 2004	X	NSI Act No.30 of 2004, Section 2A	
14	Measures to account for/secure/ physically protect means of delivery	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993), Section 27 2. Government Notice No. 429 of 10 April 2002	X	Act No. 87/1993, Section 26 - offences and penalties	SA is a non-possessor of WMD and delivery systems. Pages 3 and 5 of the report, information In CD-ROM
15	National CWC authority	X	Non-Proliferation Council - see Act 87 of 1993			information on CD-ROM
16	Reporting Schedule I, II and III chemicals to OPCW	X	Non-Proliferation Council - see Act 87 of 1993			information on CD-ROM
17	Account for, secure or physically protect old chemical weapons					SA is a non-possessor of WMD
18	Other legislation/ regulations controlling chemical materials		South Africa complies with the requirements of the Basel Convention, the Montreal Protocol and the Stockholm and Rotterdam Conventions. Explosives are controlled under the Explosives Act. The National Conventional Arms Control Act also controls many chemicals.			
19	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **South Africa**

Date of Report: **31 January 2005**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	Nuclear Energy Act (Act no. 46/1999), Chapter III; Act 87 of 1993 (dual-use); National Nuclear Regulator Act, 47 of 1999; Health Act (Act no. 61/2003).	X	Nuclear Energy Act (Act no. 46/1999), Section 56; Act 87 of 1993 (dual-use); National Nuclear Regulator Act, 47 of 1999; Health Act (Act no. 61/2003).	page 3 of the report, information in CD-ROM
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		
5	Other measures for accounting	X	IAEA Guidelines; IAEA Safeguards and Additional Protocol			
6	Measures to secure production	X	Nuclear Energy Act (Act no. 46/1999), Chapter III; Act 87 of 1993 (dual-use); National Nuclear Regulator Act, 47 of 1999; Health Act (Act no. 61/2003).	X	Nuclear Energy Act (Act no. 46/1999), Section 56; Act 87 of 1993 (dual-use); National Nuclear Regulator Act, 47 of 1999; Health Act (Act no. 61/2003).	page 3 of the report, information in CD-ROM
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		
9	Measures to secure transport	X		X		
10	Other measures for securing	X	IAEA Guidelines	X	Monitoring systems to secure facilities in the event of fire or against theft, security personnel in motor vehicles	page 7 of the report
11	Regulations for physical protection of facilities/materials/ transports	X	Act no. 102/1980			page 7 of the report
12	Licensing of nuclear installations/entities/use of materials	X	National Nuclear Regulator (Act 47 of 1999), Chapter III	X	National Nuclear Regulator (Act 47 of 1999), Chapter III	page 6 of the report, information in CD-ROM
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993), Section 27 2. Government Notice No. 430 of 10 April 2002	X	Act No. 87/1993, Section 26 - offences and penalties	SA is a non-possessor of WMD and delivery systems. Pages 3 and 5 of the report, information in CD-ROM

15	National regulatory authority	X	National Nuclear Regulator Act (Act 47 of 1999); Nuclear Energy Act (Act no. 46/1999) Health Act (Act no. 61/2003)		National Nuclear Regulator, South African Nuclear Energy Corporation under authority of the Minister of Minerals and Energy; Isotopes - Department of Health	page 3 of the report
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement in force 16 September 1991 2. Additional Protocol in force 13 September 2002			page 3 of the report http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources					
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme			http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM		South Africa is in the process of finalising accession to the CPPNM			
21	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: **South Africa**

Date of Report: 31 January 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Act 57/1951 2. Act 2/1981 3. Act 15/1994 4. Act 102/1980 5. Act 127/1992 6. Act 74/1977 7. Act 4/1998 8. Second Revenue Laws Amendment Act (Act 6/2001)	X	1 South African Revenue Service (Customs and Excise) 2. Department of Home Affairs 3. South African Police Service (SAPS)	pages 6 and 8 of the report

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2	Technical support of border control measures			X	South African Council for the Non-Proliferation of WMDs (NPC), South African Medical Health Services of the DoD	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					NCACC Act does not provide for any BW measures
4	Enforcement agencies/authorities	X	1. Non-proliferation Act (Act no 87/1993) 2. Agricultural Pests Act (Act no 36/1983) 3. Animal Health Act (Act no. 7/2002) 4. Health Act (Act no. 61/2003)	X	1. Department of Health 2. Department of Agriculture 3. South African Council for the Non-Proliferation of WMDs (NPC) - section 26	page 8 of the report
5	Export control legislation in place	X		X	Act no. 87/1993, Section 26	pages 3 and 8 of the report, information in CD-ROM
6	Licensing provisions	X		X		
7	Individual licensing	X	Act no. 87/1993, 2. Government Notice No. 712 of 8 June 2004	X	Act no. 87/1993, Section 26	
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	Non-proliferation Council (NPC) : International Trade Administration Commission, Department of Health and Department of Agriculture			pages 3 and 8 of the report
12	Interagency review for licenses	X				
13	Control lists	X	Government Notice no. 712 of 8 June 2004 under Act no. 87/1993			information in CD-ROM - core legislation
14	Updating of lists	X	Act no. 87/1993, 2. Government Notice No. 712 of 8 June 2004			
15	Inclusion of technologies	X	Act no. 41/2002			page 3 of the report, information in CD-ROM
16	Inclusion of means of delivery	X				
17	End-user controls	X		X	Act no. 87/1993	
18	Catch all clause	X	Act no. 87/1993, 2. Government Notice No. 712 of 8 June 2004	X	Act no. 87/1993, Section 26	
19	Intangible transfers	X	Act no. 87/1993, 2. Government Notice No. 712 of 8 June 2004	X	Act no. 87/1993, Section 26	
20	Transit control	X	Act no. 87/1993 - Government Notice No. R. 75 of 29 January 2004	X	Act no. 87/1993, Section 26	information in CD-ROM - core legislation

21	Trans-shipment control	X	Act no. 87/1993 - Government Notice No. R. 75 of 29 January 2004	X	Act no. 87/1993, Section 26	information in CD-ROM - core legislation
22	Re-export control	X	Export and re-export of biological controlled goods require an export permit from NPC under the Non-proliferation Act			page 8 of the report
23	Control of providing funds	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	page 5 of the report
24	Control of providing transport services					
25	Control of importation	X	Import permits from the International Trade Administration Commission			page 8 of the report
26	Extraterritorial applicability					
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **South Africa**

Date of Report: **31 January 2005**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Act 57/1951 2. Act 2/1981 3. Act 15/1994 4. Act 102/1980 5. Act 127/1992 6. Act 74/1977 7. Act 4/1998 8. Second Revenue Laws Amendment Act (Act 6/2001)	X	1. South African Revenue Service (Customs and Excise) 2. Department of Home Affairs 3. South African Police Service (SAPS)	pages 6 and 8 of the report
2	Technical support of border control measures			X	South African Council for the Non-Proliferation of WMDs (NPC), South African Medical Health Services of the DoD	

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3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	National Conventional Arms Control Act (Act no. 41 of 2002); Act 87 of 1993 and its regulations	X	National Conventional Arms Control Act (Act no. 41 of 2002)	page 3 of the report; information in CD-ROM
4	Enforcement agencies/authorities	X	Act 87 of 1993	X	1. South African Council for the Non Proliferation of WMDs (NPC) 2. National Conventional Arms Control Committee (NCACC)	page 8 of the report
5	Export control legislation in place	X	1. Act no. 87/1993, section 13 2. National Conventional Arms Control Act (Act no. 41/2002)	X	1. Act no. 87/1993, Section 26 2. National Conventional Arms Control Act (Act no. 41/2002)	pages 3 and 8 of the report; information in CD-ROM
6	Licensing provisions	X		X		
7	Individual licensing	X	Act 87 of 1993 as well as Act 41 of 2002		Act no. 87/1993, Section 26	
8	General licensing					Licenses handled on a case-by-case basis
9	Exceptions from licensing					No exceptions
10	Licensing of deemed export/visa					
11	National licensing authority	X	1. National Conventional Arms Control Committee (NCACC) 2. Non-proliferation Council (NPC) 3. International Trade Administration Commission			pages 3 and 8 of the report
12	Interagency review for licenses	X				
13	Control lists	X	CWC and Australia Group items are included in national control lists Also			page 4 of the report
14	Updating of lists					Updated when necessary
15	Inclusion of technologies	X	Act no. 41/2002; Act 87 of 1993	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24; Act no. 87/1993, Section 26	page 3 of the report; information in CD-ROM
16	Inclusion of means of delivery	X		X		
17	End-user controls	X		X		
18	Catch all clause	X	Act 87 of 1993; Regulation R75 of 29 January 2004	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24; Act no. 87/1993, Section 26	
19	Intangible transfers	X	Act no. 41/2002; Act 87 of 1993	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24; Act no. 87/1993, Section 26	
20	Transit control	X	Act no. 87/1993 ; Government Notice No. R. 75 of 29 January 2004; Act no. 41/2002	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24; Act no. 87/1993, Section 26	information in CD-ROM - size regulation

21	Trans-shipment control	X	Act no. 87/1993 - Government Notice No. R. 75 of 29 January 2004 Act no. 41/2002	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24; Act no. 87/1993, Section 26	
22	Re-export control	X	Re-export permits are required by the NPC	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24; Act no. 87/1993, Section 26	page 8 of the report
23	Control of providing funds	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	page 5 of the report
24	Control of providing transport services	X	Act no. 41/2002; Act 87 of 1993	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24; Act no. 87/1993, Section 26	
25	Control of importation	X	Act no. 41/2002; Act 87 of 1993	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24; Act no. 87/1993, Section 26	page 8 of the report
26	Extraterritorial applicability	X	National Conventional Arms Control Act (Act no. 41/2002), Section 26; Act 87 of 1993 Regulation R 705 of 23 May 1997 as amended by Regulation R 77 of 29 January 2004	X	National Conventional Arms Control Act (Act no. 41/2002) Section 24	page 3 of the report; information in CD-ROM
27	Other					

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: South Africa

Date of Report: 31 January 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Border control	X	1. Act 57/1951 2. Act 2/1981 3. Act 15/1994 4. Act 102/1980 5. Act 127/1992 6. Act 74/1977 7. Act 4/1998 8 Second Revenue Laws Amendment Act (Act 6/2001)	X	1. South African Revenue Service (Customs and Excise) 2. Department of Home Affairs 3. South African Police Service (SAPS)	pages 6 and 8 of the report

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2	Technical support of border control measures			X	South African Council for the Non-Proliferation of WMDs (NPC), Nuclear Energy Corporation	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities	X	Nuclear Energy Act (Act no. 46/1999) Health Act (Act no. 61/2003) Act no. 87/1993	X	South African Nuclear Energy Corporation under authority of the Minister of Minerals and Energy; Isotopes - Department of Health; Non-Proliferation Council.	page 8 of the report
5	Export control legislation in place	X	1. Act no. 87/1993, section 13 2. Nuclear Energy Act No. 46 of 1999, section 34 and 35	X	NPC; South African Nuclear Energy Corporation under authority of the Minister of Minerals and Energy	pages 3 and 8 of the report, information in CD-ROM
6	Licensing provisions	X		X		
7	Individual licensing	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No 87/1993), Section 27 2. Government Notice No. 430 of 10 April 2002, 3. Nuclear Energy Act (Act no. 46/1999) 4. Health Act (Act no. 61/2003)	X	South African Nuclear Energy Corporation under authority of the Minister of Minerals and Energy; Isotopes - Department of Health; Non-Proliferation Council.	
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	Nuclear Energy Act (Act no. 46/1999) Health Act (Act no. 61/2003), Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993)	X	South African Nuclear Energy Corporation under authority of the Minister of Minerals and Energy; Non-Proliferation Council.	pages 3 and 8 of the report
12	Interagency review for licenses	X	Nuclear Energy Act (Act no. 46/1999) Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993)			
13	Control lists	X	NSG lists are included in the lists of controlled items: Government Notice No. 430 of 10 April 2002			page 4 of the report, information in CD-ROM

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14	Updating of lists					
15	Inclusion of technologies	X	Act no. 41/2002			page 3 of the report, information in CD-ROM
16	Inclusion of means of delivery	X				
17	End-user controls	X				
18	Catch all clause	X	Act 87 of 1993, Regulation R75 of 29 January 2004	X	Act no. 87/1993, Section 26	
19	Intangible transfers					
20	Transit control	X	Act no. 87/1993, section 13	X	Act no. 87/1993, Section 26	
21	Trans-shipment control	X	Act no. 87/1993, section 13	X	Act no. 87/1993, Section 26	
22	Re-export control	X	Export and re-export permit	X	Department of Minerals and Energy; NPC - dual-use	page 8 of the report
23	Control of providing funds	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	X	The protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004 (POCDATARA)	page 5 of the report
24	Control of providing transport services					
25	Control of importation	X	Import permit required	X	Department of Minerals and Energy; NPC - dual-use	page 8 of the report
26	Extraterritorial applicability					
27	Other					

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OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **South Africa**

Date of Report: **31 January 2005**

	Can information be provided on the following issues ?	YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)	X	Has included all MTCR, NSG, CWC, AG and WA items in national lists	page 4 of the report
2	Control lists - other			
3	Assistance offered	X	Supports assistance and provision of adequate resources to developing countries in the implementation of non-proliferation and disarmament measures within the	page 9 of the report
4	Assistance requested			
5	Assistance in place (bilateral/plurilateral/multilateral)			
6	Information for industry	X	Industry is kept informed and updated on an on-going basis	page 11 of the report
7	Information for the public	X	Pamphlet published for industry providing guidance on activities related to the control of activities including activities that can contribute to WMD programmes.	